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Attorney for Plaintiff.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

**Case No: 1:23-CV-05752-JMF
1:24-CV-06310-JMF**

KISSINGER N. SIBANDA

Plaintiff,

v.

DAVID ELLISON, et al

Defendants.

PLAINTIFF'S STATUS UPDATE:

Hon. Judge Jesse M. Furman:

Plaintiff would like to respectfully update the bench.

Plaintiff has not heard from defendants as submitted to the bench. ECF: 55. Plaintiff respectfully requests the court's intervention, directing defendants, through their representatives to communicate with plaintiff regarding their intentions in the above matter's alternative dispute resolution efforts.

New York standards of civility under which Angelo Labate is licensed state specifically that:

IV. Responding to communications.

A lawyer should **promptly return telephone calls and electronic communications and answer correspondence reasonably requiring a response**, as appropriate. (For the avoidance of doubt, the foregoing refers to communications in connection with matters in which the lawyer is engaged, not to unsolicited communications.)¹.

Aforementioned attorney (Labate), has also entered his appearance for the docket, *Sibanda v. Elison*, 24-2348 (General Docket # 26); terminating Ashlee Lin on that docket. Discussions of a global settlement (trial and appeal court) is necessary between parties.

Plaintiff has not heard from defendants regarding, ECF: 55., after three weeks.

Plaintiff thanks the court for its attention to this request.

¹ <https://www.nycourts.gov/LegacyPDFS/RULES/jointappellate/Jan%202020%20-%20civility%20standards%20CLEAN.pdf>

Respectfully submitted,

Dated: 09/26/2024

Washington, DC

By: /s/Kissinger N. Sibanda

DR. KISSINGER N. SIBANDA ESQ

The Law Offices of Kissinger N. Sibanda

LL. B (Hons); LL.M (State / Trial); LL.M (Federal/ Trial)

Admitted: United States Supreme Court

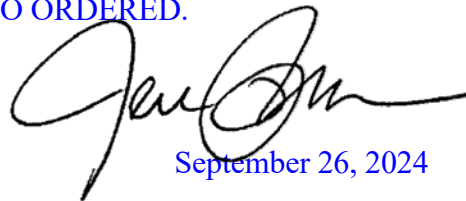
Second Circuit

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Pro Se Plaintiff

The Court certainly encourages open lines of communication between the parties, including about settlement. But to the extent that this letter and Plaintiff's prior letter, *see* ECF No. 55, can be construed to request an order mandating that Defendants respond to Plaintiff's settlement demand, the request is DENIED. Additionally, whereas litigation in 23-CV-5752 is complete (with the exception of the Court's pending ruling on Defendants' fees application), all future filings regarding this dispute should be made in 23-CV-6310 *only*.

SO ORDERED.



September 26, 2024